

## HOUSE SUBSTITUTE

FOR

HOUSE BILL NO. 511

AN ACT

2 To repeal sections 115.027, 115.074, 115.076,  
3 115.085, 115.098, 115.103, 115.105, 115.107,  
4 115.125, 115.127, 115.133, 115.135, 115.155,  
5 115.157, 115.158, 115.159, 115.165, 115.275,  
6 115.277, 115.279, 115.283, 115.284, 115.287,  
7 115.292, 115.417, 115.430, 115.761, and  
8 115.801, RSMo, and to enact in lieu thereof  
9 thirty-one new sections relating to  
10 elections, with a penalty provision in a  
11 certain section.

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12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,  
13 AS FOLLOWS:

14 Section A. Sections 115.027, 115.074, 115.076, 115.085,  
15 115.098, 115.103, 115.105, 115.107, 115.125, 115.127, 115.133,  
16 115.135, 115.155, 115.157, 115.158, 115.159, 115.165, 115.275,  
17 115.277, 115.279, 115.283, 115.284, 115.287, 115.292, 115.417,  
18 115.430, 115.761, and 115.801, RSMo, are repealed and thirty-one  
19 new sections enacted in lieu thereof, to be known as sections  
20 28.035, 115.027, 115.074, 115.076, 115.078, 115.085, 115.098,  
21 115.103, 115.105, 115.107, 115.125, 115.127, 115.133, 115.135,  
22 115.155, 115.157, 115.158, 115.159, 115.165, 115.275, 115.277,  
23 115.279, 115.283, 115.284, 115.287, 115.292, 115.417, 115.430,  
24 115.761, 115.801, and 116.025, to read as follows:

25 28.035. 1. The secretary of state shall be the chief state

1 election official responsible for the administration and  
2 coordination of state responsibilities pursuant to the Help  
3 America Vote Act of 2002. The secretary is authorized to appoint  
4 members to commissions, develop and submit plans, set voting  
5 systems standards and compliance deadlines, and any other  
6 activities reasonably necessary to comply with the Help America  
7 Vote Act of 2002.

8 2. The office of the secretary of state shall be designated  
9 as the single office which shall be responsible for providing  
10 information regarding voter registration procedures and absentee  
11 ballot procedures to be used by absent uniformed services voters  
12 and overseas voters, as defined in section 115.279, RSMo, with  
13 respect to elections for federal office.

14 3. The secretary of state shall establish state-based  
15 administrative complaint procedures to remedy grievances  
16 concerning a violation of Title III of the Help America Vote Act  
17 of 2002. These procedures shall:

18 (1) Require complaints to be in writing and notarized, and  
19 signed and sworn by the person filing the complaint;

20 (2) Allow complaints to be consolidated;

21 (3) At the request of the complainant, require a hearing on  
22 the record which may be conducted exclusively by written  
23 testimony and information;

24 (4) Provide an appropriate remedy for any substantiated  
25 violation of Title III of the Help America Vote Act of 2002;

1       (5) Dismiss the complaint and publish the results of the  
2       procedures when there is a determination of no violation;

3       (6) Require a final determination with respect to the  
4       complaint before the expiration of the ninety-day period which  
5       begins on the date the complaint is filed, unless the complainant  
6       consents to a longer period for making such a determination; and

7       (7) If the final determination is not completed within  
8       ninety days, resolve the complaint within sixty days under  
9       alternative dispute resolution procedures. The record and any  
10       other materials from proceedings conducted pursuant to this  
11       subsection shall be made available for use under the alternative  
12       dispute resolution procedures.

13       4. The secretary of state is authorized to promulgate rules  
14       to execute this section. No rule or portion of a rule  
15       promulgated pursuant to the authority of this section shall  
16       become effective unless it has been promulgated pursuant to  
17       chapter 536, RSMo.

18       115.027. 1. Each board of election commissioners shall be  
19       composed of four members, appointed by the governor with the  
20       advice and consent of the senate. The members appointed from the  
21       political party who are not of the party of the governor shall be  
22       selected from a list of four members submitted by the state  
23       committee of the party. Two commissioners on each board shall be  
24       members of one major political party, and two commissioners on  
25       each board shall be members of the other major political party.

1 In no case shall more than two commissioners on a board be  
2 members of the same political party. When appointing  
3 commissioners, the governor shall designate one commissioner on  
4 each board to be chairman of the board and one commissioner on  
5 each board to be secretary of the board. The chairman and  
6 secretary of a board shall not be members of the same political  
7 party.

8 2. In jurisdictions with boards of election commissioners  
9 as the election authority, the governor may appoint to the board  
10 one representative from each established political party. The  
11 representative shall not be a member of the board for purposes of  
12 subsection 1 of this section. The state chair of each  
13 established political party shall submit a list of no more than  
14 four names from which the governor shall select the  
15 representative for that party. The representative shall not have  
16 voting status, and shall not be compensated, but shall be allowed  
17 to participate in discussions and be informed of any meeting of  
18 the board.

19 115.074. 1. Subject to appropriation from federal funds,  
20 the secretary of state shall administer a grant, loan, or other  
21 aid program [annually] for the purposes of providing funds to  
22 election authorities to upgrade or improve the voting process or  
23 equipment. Such funding [shall] may be in the form of matching  
24 grants. The secretary of state when awarding grants shall give  
25 priority to jurisdictions which have the highest number of

1 residents according to the most recent federal census, with an  
2 income below the federal poverty level as established by the  
3 federal department of health and human services or its successor  
4 agency. The secretary of state may promulgate rules to  
5 effectuate the provisions of this section.

6 2. Any rule or portion of a rule, as that term is defined  
7 in section 536.010, RSMo, that is created under the authority  
8 delegated in this section shall become effective only if it  
9 complies with and is subject to all of the provisions of chapter  
10 536, RSMo, and, if applicable, section 536.028, RSMo. This  
11 section and chapter 536, RSMo, are nonseverable and if any of the  
12 powers vested with the general assembly pursuant to chapter 536,  
13 RSMo, to review, to delay the effective date or to disapprove and  
14 annul a rule are subsequently held unconstitutional, then the  
15 grant of rulemaking authority and any rule proposed or adopted  
16 after August 28, 2002, shall be invalid and void.

17 115.076. 1. Subject to appropriation of federal funds, the  
18 secretary of state shall administer a grant, loan, or other aid  
19 program [annually] for the purpose of providing funds to election  
20 authorities:

21 (1) To purchase electronic voting machines that are  
22 accessible to all individuals with disabilities, including people  
23 who are blind or visually impaired;

24 (2) To make polling places, including path of travel,  
25 entrances, exits and voting areas of each polling facility

1 accessible to individuals with disabilities, including the blind  
2 and visually impaired, in a manner that provides the same  
3 opportunity for access and secret, independent and verifiable  
4 participation, including privacy and independence, as for other  
5 voters;

6 (3) To provide individuals with disabilities and  
7 individuals who are blind and visually impaired with information  
8 about the accessibility of polling places, including outreach  
9 programs to inform individuals about the availability of  
10 accessible polling places and to train election officials, poll  
11 workers, and election volunteers on how to best promote the  
12 access and participation of individuals in elections, and to  
13 provide assistance in all accommodations needed by voters with  
14 disabilities.

15 Such funding [~~shall~~] may be in the form of matching grants. The  
16 secretary of state when awarding grants shall give priority to  
17 jurisdictions which have the highest number of residents,  
18 according to the most recent federal census, with an income below  
19 the federal poverty level as established by the federal  
20 Department of Health and Human Services or its successor agency.  
21 The secretary of state may promulgate rules to effectuate the  
22 provisions of this section.

23 2. Any rule or portion of a rule, as that term is defined  
24 in section 536.010, RSMo, that is created under the authority

1 delegated in this section shall become effective only if it  
2 complies with and is subject to all of the provisions of chapter  
3 536, RSMo, and, if applicable, section 536.028, RSMo. This  
4 section and chapter 536, RSMo, are nonseverable and if any of the  
5 powers vested with the general assembly pursuant to chapter 536,  
6 RSMo, to review, to delay the effective date or to disapprove and  
7 annul a rule are subsequently held unconstitutional, then the  
8 grant of rulemaking authority and any rule proposed or adopted  
9 after August 28, 2002, shall be invalid and void.

10 115.078. 1. There is hereby created in the state treasury  
11 the "Election Administration Improvements Fund", which shall  
12 consist of any gifts, contributions, grants, or bequests received  
13 from federal, private, or other sources for the purpose of  
14 improving the administration of elections within Missouri. The  
15 state treasurer shall be custodian of the fund and shall approve  
16 disbursements from the fund in accordance with sections 30.170  
17 and 30.180, RSMo. Money in the fund shall be used exclusively  
18 for election administration improvements as directed by the  
19 secretary of state. The secretary of state may transfer moneys  
20 from the fund to the election improvements revolving loan fund as  
21 the secretary deems necessary to facilitate compliance with the  
22 Help America Vote Act of 2002. Notwithstanding section 33.080,  
23 RSMo, to the contrary, any moneys remaining in the fund at the  
24 end of any biennium shall not revert to the credit of the general  
25 revenue fund. All yield, interest, income, increment, or gain

1 received from time deposit of moneys in the state treasury to the  
2 credit of the fund shall be credited to the fund.

3 Notwithstanding any provision of law to the contrary, no amount  
4 of moneys in the fund shall be transferred from the fund or  
5 charged for purposes of the administration of central services  
6 for the state of Missouri.

7 2. There is hereby created in the state treasury the  
8 "Election Improvements Revolving Loan Fund", which shall consist  
9 of all moneys appropriated to it by the general assembly, all  
10 repayment of moneys from eligible lenders and any moneys  
11 deposited or transferred to the fund for the purpose of improving  
12 the administration of elections through loans. The state  
13 treasurer shall be custodian of the fund and shall approve  
14 disbursements from the fund in accordance with sections 30.170  
15 and 30.180, RSMo. Money in the fund shall be used solely for  
16 improving the administration of elections through loans.

17 Notwithstanding section 33.080, RSMo, to the contrary, any moneys  
18 remaining in the fund shall not revert to the credit of the  
19 general revenue fund. All yield, interest, income, increment, or  
20 gain received from time deposit of moneys in the state treasury  
21 to the credit of the fund shall be credited to the fund.

22 Notwithstanding any provision of law to the contrary, no amount  
23 of moneys in the fund shall be transferred from the fund or  
24 charged for purposes of the administration of central services  
25 for the state of Missouri. The secretary of state is authorized



1 to administer the fund in accordance with this section and the  
2 Help America Vote Act of 2002, and to promulgate rules to execute  
3 this section. No rule or portion of a rule promulgated pursuant  
4 to the authority of this section shall become effective unless it  
5 has been promulgated pursuant to chapter 536, RSMo.

6 115.085. No person shall be appointed to serve as an  
7 election judge who is not a registered voter in [the jurisdiction  
8 of the election authority for which he or she is appointed] this  
9 state; provided that, before any election authority may appoint  
10 judges who are registered voters of another election authority's  
11 jurisdiction, the election authority shall obtain the written  
12 consent of the election authority for the jurisdiction where the  
13 prospective judges are registered to vote. Each election judge  
14 shall be a person of good repute and character who can speak,  
15 read, and write the English language. No person shall serve as  
16 an election judge at any polling place in which his or her name  
17 or the name of a relative within the second degree, by  
18 consanguinity or affinity, appears on the ballot. However, no  
19 relative of any unopposed candidate shall be disqualified from  
20 serving as an election judge in any election jurisdiction of the  
21 state. No election judge shall, during his or her term of  
22 office, hold any other elective public office, other than as a  
23 member of a political party committee or township office, except  
24 any person who is [an employee of the state of Missouri or who is  
25 appointed to or employed by or] elected to a board or commission

1 of a political subdivision or special district may serve as an  
2 election judge except at a polling place where such political  
3 subdivision or special district has an issue or candidate on the  
4 ballot. In any county having a population of less than two  
5 hundred fifty thousand inhabitants, any candidate for the county  
6 committee of a political party who is not a candidate for any  
7 other office and who is unopposed for election as a member of the  
8 committee shall not be disqualified from serving as an election  
9 judge.

10 115.098. 1. Subject to appropriation from federal funds,  
11 the secretary of state shall administer a grant, loan, or other  
12 aid program for the purpose of increasing the compensation of  
13 election judges. Such funding shall be made available to  
14 election authorities contingent upon the election authority  
15 increasing the compensation of election judges to an amount not  
16 less than seven dollars per hour. Such funding [shall] may be in  
17 the form of matching grants. The secretary of state when  
18 awarding grants shall give priority to jurisdictions which have  
19 the highest number of residents according to the most recent  
20 federal census, with an income below the federal poverty level as  
21 established by the federal Department of Health and Human  
22 Services or its successor agency. The secretary of state may  
23 promulgate rules to effectuate the provisions of this section.

24 2. Any rule or portion of a rule, as that term is defined  
25 in section 536.010, RSMo, that is created under the authority

1 delegated in this section shall become effective only if it  
2 complies with and is subject to all of the provisions of chapter  
3 536, RSMo, and, if applicable, section 536.028, RSMo. This  
4 section and chapter 536, RSMo, are nonseverable and if any of the  
5 powers vested with the general assembly pursuant to chapter 536,  
6 RSMo, to review, to delay the effective date or to disapprove and  
7 annul a rule are subsequently held unconstitutional, then the  
8 grant of rulemaking authority and any rule proposed or adopted  
9 after August 28, 2002, shall be invalid and void.

10 115.103. [Any election authority may establish training  
11 courses for election judges and may compensate them for  
12 attendance at the rate set for election service subject to the  
13 approval of the governing body of a county not having a board of  
14 election commissioners, or the political subdivision or special  
15 district] All election authorities shall establish training  
16 courses for election judges. Such courses shall include  
17 substantially the curriculum developed by the secretary of  
18 state's office in accordance with the Help America Vote Act of  
19 2002. Election authorities may compensate judges for attendance  
20 at the rate set for election service subject to the approval of  
21 the governing body of a county not having a board of election  
22 commissioners, or the political subdivision or special district.

23 115.105. 1. The chair of the county committee of each  
24 political party named on the ballot shall have the right to  
25 designate a challenger for each polling place, who may be present

1 during the hours of voting, and a challenger for each location at  
2 which absentee ballots are counted, who may be present while the  
3 ballots are being prepared for counting and counted. No later  
4 than four business days before the election, the chair of each  
5 county committee of each political party named on the ballot  
6 shall provide signed official designation forms with the names of  
7 the designated challengers and substitutes to the local election  
8 authority for confirmation of eligibility to serve as a  
9 challenger. The local election authority, after verifying the  
10 eligibility of each designated and substitute challenger, shall  
11 sign off on the official designation forms, unless the challenger  
12 is found not to have the qualifications established by subsection  
13 5 of this section. If the election authority determines that a  
14 challenger does not meet the qualifications of subsection 5 of  
15 this section, the designating party chair may designate a  
16 replacement challenger and provide the local election authority  
17 with the name of the replacement challenger before 5:00 p.m. of  
18 the Monday preceding the election. The designating chair may  
19 substitute challengers at his or her discretion during such  
20 hours.

21 2. Challenges may only be made when the challenger believes  
22 the election laws of this state have been or will be violated,  
23 and each challenger shall report any such belief to the election  
24 judges, or to the election authority if not satisfied with the  
25 decision of the election judges.

1           3. Prior to the close of the polls, challengers may list  
2 and give out the names of those who have voted. The listing and  
3 giving out of names of those who have voted by a challenger shall  
4 not be considered giving information tending to show the state of  
5 the count.

6           4. In a presidential primary election, challengers may  
7 collect information about the party ballot selected by the voter  
8 and may disclose party affiliation information after the polls  
9 close.

10          5. All persons selected as challengers shall have the same  
11 qualifications required by section 115.085 for election judges,  
12 except that such challenger shall be a registered voter in the  
13 jurisdiction of the election authority for which the challenger  
14 is designated as a challenger.

15          115.107. 1. At every election, the chairman of the county  
16 committee of each political party named on the ballot shall have  
17 the right to designate a watcher for each place votes are  
18 counted.

19          2. Watchers are to observe the counting of the votes and  
20 present any complaint of irregularity or law violation to the  
21 election judges, or to the election authority if not satisfied  
22 with the decision of the election judges. No watcher may be  
23 substituted for another on election day.

24          3. No watcher shall report to anyone the name of any person  
25 who has or has not voted.

1           4. All persons selected as watchers shall have the same  
2 qualifications required by section 115.085 for election judges,  
3 except that such watcher shall be a registered voter in the  
4 jurisdiction of the election authority for which the watcher is  
5 designated as a watcher.

6           115.125. 1. Not later than 5:00 p.m. on the tenth Tuesday  
7 prior to any election, except a special election to decide an  
8 election contest, tie vote or an election to elect seven members  
9 to serve on a school board of a district pursuant to section  
10 162.241, RSMo, or a delay in notification pursuant to subsection  
11 2 of this section, or pursuant to the provisions of section  
12 115.399, the officer or agency calling the election shall notify  
13 the election authorities responsible for conducting the election.  
14 The notice shall be in writing, shall specify the name of the  
15 officer or agency calling the election and shall include a  
16 certified copy of the legal notice to be published pursuant to  
17 subsection 2 of section 115.127. The notice and any other  
18 information required by this section may, with the prior  
19 notification to the election authority receiving the notice, be  
20 accepted by facsimile transmission prior to 5:00 p.m. on the  
21 tenth Tuesday prior to the election, provided that the original  
22 copy of the notice and a certified copy of the legal notice to be  
23 published shall be received in the office of the election  
24 authority within three business days from the date of the  
25 facsimile transmission. In lieu of a certified copy of the legal

1 notice to be published pursuant to subsection 2 of section  
2 115.127, each notice of a special election to fill a vacancy  
3 shall include the name of the office to be filled, the date of  
4 the election and the date by which candidates must be selected or  
5 filed for the office. Not later than the fourth Tuesday prior to  
6 any special election to fill a vacancy called by a political  
7 subdivision or special district, the officer or agency calling  
8 the election shall certify a sample ballot to the election  
9 authorities responsible for conducting the election.

10 2. Except as provided for in sections 115.247 and 115.359,  
11 if there is no additional cost for the printing or reprinting of  
12 ballots or if the political subdivision or special district  
13 calling for the election agrees to pay any printing or reprinting  
14 costs, a political subdivision or special district may, at any  
15 time after certification required in subsection 1 of this  
16 section, but no later than 5:00 p.m. on the sixth Tuesday before  
17 the election, be permitted to make late notification to the  
18 election authority pursuant to court order, which, except for  
19 good cause shown by the election authority in opposition thereto,  
20 shall be freely given upon application by the political  
21 subdivision or special district to the circuit court of the area  
22 of such subdivision or district. No court shall have the  
23 authority to order an individual or issue be placed on the ballot  
24 less than six weeks before the date of the election, except as  
25 provided in sections 115.361 and 115.379.

1           115.127. 1. Except as provided in subsection 4 of this  
2 section, upon receipt of notice of a special election to fill a  
3 vacancy submitted pursuant to section 115.125, the election  
4 authority shall cause legal notice of the special election to be  
5 published in a newspaper of general circulation in its  
6 jurisdiction. The notice shall include the name of the officer  
7 or agency calling the election, the date and time of the  
8 election, the name of the office to be filled and the date by  
9 which candidates must be selected or filed for the office.  
10 Within one week prior to each special election to fill a vacancy  
11 held in its jurisdiction, the election authority shall cause  
12 legal notice of the election to be published in two newspapers of  
13 different political faith and general circulation in the  
14 jurisdiction. The legal notice shall include the date and time  
15 of the election, the name of the officer or agency calling the  
16 election and a sample ballot. If there is only one newspaper of  
17 general circulation in the jurisdiction, the notice shall be  
18 published in the newspaper within one week prior to the election.  
19 If there are two or more newspapers of general circulation in the  
20 jurisdiction, but no two of opposite political faith, the notice  
21 shall be published in any two of the newspapers within one week  
22 prior to the election.

23           2. Except as provided in subsections 1 and 4 of this  
24 section and in sections 115.521, 115.549 and 115.593, the  
25 election authority shall cause legal notice of each election held



1 in its jurisdiction to be published. The notice shall be  
2 published in two newspapers of different political faith and  
3 qualified pursuant to chapter 493, RSMo, which are published  
4 within the bounds of the area holding the election. If there is  
5 only one so qualified newspaper, then notice shall be published  
6 in only one newspaper. If there is no newspaper published within  
7 the bounds of the election area, then the notice shall be  
8 published in two qualified newspapers of different political  
9 faith serving the area. Notice shall be published twice, the  
10 first publication occurring in the second week prior to the  
11 election, and the second publication occurring within one week  
12 prior to the election. Each such legal notice shall include the  
13 date and time of the election, the name of the officer or agency  
14 calling the election and a sample ballot; and, unless notice has  
15 been given as provided by section 115.129, the second publication  
16 of notice of the election shall include the location of polling  
17 places. The election authority may provide any additional notice  
18 of the election it deems desirable.

19 3. The election authority shall print the official ballot  
20 as the same appears on the sample ballot, and no candidate's name  
21 or ballot issue which appears on the sample ballot or official  
22 printed ballot shall be stricken or removed from the ballot  
23 except on death of a candidate or by court order.

24 4. In lieu of causing legal notice to be published in  
25 accordance with any of the provisions of this chapter, the

1 election authority in jurisdictions which have less than seven  
2 hundred fifty registered voters and in which no newspaper  
3 qualified pursuant to chapter 493, RSMo, is published, may cause  
4 legal notice to be mailed during the second week prior to the  
5 election, by first class mail, to each registered voter at the  
6 voter's voting address. All such legal notices shall include the  
7 date and time of the election, the location of the polling place,  
8 the name of the officer or agency calling the election and a  
9 sample ballot.

10 5. If the opening date for filing a declaration of  
11 candidacy for any office in a political subdivision or special  
12 district is not required by law or charter, the opening filing  
13 date shall be 8:00 a.m., the [fifteenth] sixteenth Tuesday prior  
14 to the election. If the closing date for filing a declaration of  
15 candidacy for any office in a political subdivision or special  
16 district is not required by law or charter, the closing filing  
17 date shall be 5:00 p.m., the eleventh Tuesday prior to the  
18 election. The political subdivision or special district calling  
19 an election shall, before the [fifteenth] sixteenth Tuesday prior  
20 to any election at which offices are to be filled, notify the  
21 general public of the opening filing date, the office or offices  
22 to be filled, the proper place for filing and the closing filing  
23 date of the election. Such notification may be accomplished by  
24 legal notice published in at least one newspaper of general  
25 circulation in the political subdivision or special district.

1           6. Except as provided for in sections 115.247 and 115.359,  
2 if there is no additional cost for the printing or reprinting of  
3 ballots or if the candidate agrees to pay any printing or  
4 reprinting costs, a candidate who has filed for an office or who  
5 has been duly nominated for an office may, at any time after the  
6 certification required in section 115.125 but no later than 5:00  
7 p.m. on the sixth Tuesday before the election, withdraw as a  
8 candidate pursuant to a court order, which, except for good cause  
9 shown by the election authority in opposition thereto, shall be  
10 freely given upon application by the candidate to the circuit  
11 court of the area of such candidate's residence.

12           115.133. 1. Except as provided in subsection 2 of this  
13 section, any citizen of the United States who is a resident of  
14 the state of Missouri and seventeen years and six months of age  
15 or older shall be entitled to register and to vote in any  
16 election which is held on or after his eighteenth birthday.

17           2. No person who is adjudged incapacitated shall be  
18 entitled to register or vote. No person shall be entitled to  
19 vote:

20           (1) While confined under a sentence of imprisonment;

21           (2) While on probation or parole after conviction of a  
22 felony, until finally discharged from such probation or parole;  
23 or

24           (3) After conviction of a felony or misdemeanor connected  
25 with the right of suffrage.

1           3. Except as provided in federal law or federal elections  
2 and in section 115.277, no person shall be entitled to vote if  
3 the person has not registered to vote in the jurisdiction of his  
4 or her residence prior to the deadline to register to vote[,  
5 unless the voter is an intrastate new resident or an interstate  
6 new resident, as defined in section 115.275].

7           115.135. 1. Any person who is qualified to vote, or who  
8 shall become qualified to vote on or before the day of election,  
9 shall be entitled to register in the jurisdiction within which he  
10 or she resides. In order to vote in any election for which  
11 registration is required, a person must be registered to vote in  
12 the jurisdiction of his or her residence no later than 5:00 p.m.,  
13 or the normal closing time of any public building where the  
14 registration is being held if such time is later than 5:00 p.m.,  
15 on the fourth Wednesday prior to the election, unless the voter  
16 is an interstate former resident, an intrastate new resident or  
17 [an interstate] a new resident, as defined in section 115.275.  
18 In no case shall registration for an election extend beyond 10:00  
19 p.m. on the fourth Wednesday prior to the election. Any person  
20 registering after such date shall be eligible to vote in  
21 subsequent elections.

22           2. A person applying to register with an election authority  
23 or a deputy registration official shall present a valid Missouri  
24 drivers license or other form of personal identification at the  
25 time of registration.

3. Except as provided in federal law or federal elections and in section 115.277, no person shall be entitled to vote if the person has not registered to vote in the jurisdiction of his or her residence prior to the deadline to register to vote[, unless the voter is an intrastate new resident or an interstate new resident, as defined in section 115.275].

115.155. 1. The election authority shall provide for the registration of each voter. Each application shall be in substantially the following form:

## APPLICATION FOR REGISTRATION

Are you a citizen of the United States?                      ☐ YES   ☐ NO

Will you be 18 years of age on or before election day?

☐ YES ☐ NO

IF YOU CHECKED "NO" IN RESPONSE TO EITHER OF THESE  
QUESTIONS, DO NOT COMPLETE THIS FORM.

IF YOU ARE SUBMITTING THIS FORM BY MAIL AND ARE REGISTERING FOR THE FIRST TIME, PLEASE SUBMIT A COPY OF A CURRENT, VALID PHOTO IDENTIFICATION OR A COPY OF A CURRENT UTILITY BILL, BANK STATEMENT, GOVERNMENT CHECK, PAYCHECK, OR GOVERNMENT DOCUMENT THAT SHOWS YOUR NAME AND ADDRESS. IF YOU DO NOT SUBMIT SUCH INFORMATION, YOU WILL BE REQUIRED TO PRESENT ADDITIONAL IDENTIFICATION UPON VOTING FOR THE FIRST TIME.

1		.....
2		Township (or Ward)
3	.....	.....
4	Name	Precinct
5	.....	.....
6	Home Address	Required Personal
7		Identification Information
8	.....	
9	City                      ZIP	
10	.....	.....
11	Date of Birth	Place of Birth (Optional)
12	.....	.....
13	Telephone Number	Mother's Maiden Name
14	(Optional)	(Optional)
15	.....	.....
16	Occupation (Optional)	Last Place Previously
17		Registered
18	.....	.....
19	Last four digits of	Under What Name
20	Social Security Number	
21	(Required for	
22	registration unless no Social	
23	Security number exists for	
24	Applicant)	
25	Remarks:	

.....

When

I am a citizen of the United States and a resident of the state of Missouri. I have not been adjudged incapacitated by any court of law. If I have been convicted of a felony or of a misdemeanor connected with the right of suffrage, I have had the voting disabilities resulting from such conviction removed pursuant to law. I do solemnly swear that all statements made on this card are true to the best of my knowledge and belief.

.....

Signature of Voter

Date

.....

Signature of Election Official

2. After supplying all information necessary for the registration records, each applicant who appears in person before the election authority shall swear or affirm the statements on the registration application by signing his or her full name, witnessed by the signature of the election authority or such authority's deputy registration official. Each applicant who applies to register by mail pursuant to section 115.159, or pursuant to [the provisions of] section 115.160 or 115.162, shall attest to the statements on the application by his or her signature.

3. Upon receipt by mail of a completed and signed voter

1 registration application, a voter registration application  
2 forwarded by the division of motor vehicle and drivers licensing  
3 of the department of revenue pursuant to section 115.160, or a  
4 voter registration agency pursuant to section 115.162, the  
5 election authority shall, if satisfied that the applicant is  
6 entitled to register, transfer all data necessary for the  
7 registration records from the application to its registration  
8 system. Within seven business days after receiving the  
9 application, the election authority shall send the applicant a  
10 verification notice. If such notice is returned as undeliverable  
11 by the postal service within the time established by the election  
12 authority, the election authority shall not place the applicant's  
13 name on the voter registration file.

14 4. If, upon receipt by mail of a voter registration  
15 application or a voter registration application forwarded  
16 pursuant to section 115.160 or 115.162, the election authority  
17 determines that the applicant is not entitled to register, such  
18 authority shall, within seven business days after receiving the  
19 application, so notify the applicant by mail and state the reason  
20 such authority has determined the applicant is not qualified.  
21 The applicant may have such determination reviewed pursuant to  
22 the provisions of section 115.223. If an applicant for voter  
23 registration fails to answer the question on the application  
24 concerning United States citizenship, the election authority  
25 shall notify the applicant of the failure and provide the



1 applicant with an opportunity to complete the form in a timely  
2 manner to allow for the completion of the registration form  
3 before the next election.

4         5. It shall be the responsibility of the secretary of state  
5 to prescribe specifications for voter registration documents so  
6 that they are uniform throughout the state of Missouri and comply  
7 with the National Voter Registration Act of 1993, including the  
8 reporting requirements, and so that registrations, name changes  
9 and transfers of registrations within the state may take place as  
10 allowed by law.

11         6. All voter registration applications shall be preserved  
12 in the office of the election authority.

13         115.157. 1. The election authority may place all  
14 information on any registration cards in computerized form in  
15 accordance with [subsection 2 of] section 115.158. No election  
16 authority or secretary of state shall furnish to any member of  
17 the public electronic media or printout showing any registration  
18 information, except as provided in this section. Except as  
19 provided in subsection 2 of this section, the election authority  
20 or secretary of state shall make available electronic media or  
21 printouts showing unique voter identification numbers, voters'  
22 names, dates of birth, addresses, townships or wards, and  
23 precincts. Electronic data shall be maintained in at least the  
24 following separate fields:

25         (1) Voter identification number;

- 1           (2) First name;
- 2           (3) Middle initial;
- 3           (4) Last name;
- 4           (5) Suffix;
- 5           (6) Street number;
- 6           (7) Street direction;
- 7           (8) Street name;
- 8           (9) Street suffix;
- 9           (10) Apartment number;
- 10          (11) City;
- 11          (12) State;
- 12          (13) Zip code;
- 13          (14) Township;
- 14          (15) Ward;
- 15          (16) Precinct;
- 16          (17) Senatorial district;
- 17          (18) Representative district;
- 18          (19) Congressional district.

19       All election authorities shall enter voter history in their  
20       computerized registration systems and shall, not more than six  
21       months after the election, forward such data to the [centralized]  
22       Missouri voter registration system established in section  
23       115.158. In addition, election authorities shall forward  
24       registration and other data in a manner prescribed by the

1 secretary of state to comply with the Help America Voter Act of  
2 2002. Except as provided in subsection 2 of this section, the  
3 election authority shall also furnish, for a fee, electronic  
4 media or a printout showing the names, dates of birth and  
5 addresses of voters, or any part thereof, within the jurisdiction  
6 of the election authority who voted in any specific election,  
7 including primary elections, by township, ward or precinct,  
8 provided that nothing in this chapter shall require such voter  
9 information to be released to the public over the Internet. The  
10 amount of fees charged for information provided in this section  
11 shall be established pursuant to chapter 610, RSMo. All revenues  
12 collected by the secretary of state pursuant to this section  
13 shall be deposited in the state treasury and credited to the  
14 secretary of state's technology trust fund account established  
15 pursuant to section 28.160, RSMo. In even-numbered years, each  
16 election authority shall, upon request, supply the voter  
17 registration list for its jurisdiction to all candidates and  
18 party committees for a charge established pursuant to chapter  
19 610, RSMo. Except as provided in subsection 2 of this section,  
20 all election authorities shall make the information described in  
21 this section available pursuant to chapter 610, RSMo. Any  
22 election authority who fails to comply with the requirements of  
23 this section shall be subject to the provisions of chapter 610,  
24 RSMo.

25 2. Any person working as an undercover officer of a local,

1 state or federal law enforcement agency, persons in witness  
2 protection programs, and victims of domestic violence and abuse  
3 who have received orders of protection pursuant to chapter 455,  
4 RSMo, shall be entitled to apply to the circuit court having  
5 jurisdiction in his or her county of residence to have the  
6 residential address on his or her voter registration records  
7 closed to the public if the release of such information could  
8 endanger the safety of the person. Any person working as an  
9 undercover agent or in a witness protection program shall also  
10 submit a statement from the chief executive officer[, as defined  
11 in subsection 2 of section 590.100, RSMo,] of the agency under  
12 whose direction he or she is serving. The petition to close the  
13 residential address shall be incorporated into any petition for  
14 protective order provided by circuit clerks pursuant to chapter  
15 455, RSMo. If satisfied that the person filing the petition  
16 meets the qualifications of this subsection, the circuit court  
17 shall issue an order to the election authority to keep the  
18 residential address of the voter a closed record and the address  
19 may be used only for the purposes of administering elections  
20 pursuant to this chapter. The election authority may require the  
21 voter who has a closed residential address record to verify that  
22 his or her residential address has not changed or to file a  
23 change of address and to affirm that the reasons contained in the  
24 original petition are still accurate prior to receiving a ballot.  
25 A change of address within an election authority's jurisdiction

1 shall not require that the voter file a new petition. Any voter  
2 who no longer qualifies pursuant to this subsection to have his  
3 or her residential address as a closed record shall notify the  
4 circuit court. Upon such notification, the circuit court shall  
5 void the order closing the residential address and so notify the  
6 election authority.

7 115.158. 1. [On or before July 1, 1996, the secretary of  
8 state may begin to procure and develop an electronic data  
9 processing system and programs capable of maintaining a  
10 centralized database of all registered voters in the state. This  
11 system shall be known as the "Centralized Voter Registration  
12 System". In addition to maintaining a centralized voter  
13 registration database, the election authorities and secretary of  
14 state may use the system for the collection and dissemination of  
15 election results and other pertinent information. Any  
16 information contained in any state or local voter registration  
17 system, limited to the master voter registration list or any  
18 other list generated from the information, subject to chapter  
19 610, RSMo, shall not be used for commercial purposes; provided,  
20 however, that the information can be used for elections, for  
21 candidates, or for ballot measures, furnished at a reasonable  
22 fee. Violation of this section shall be a class B misdemeanor.]  
23 The secretary of state shall implement a centralized, interactive  
24 computerized statewide voter registration list. This  
25 computerized list shall be known as the "Missouri Voter

1 Registration System". The system shall be implemented by January  
2 1, 2004, unless a waiver is obtained pursuant to the Help America  
3 Vote Act of 2002. If a waiver is obtained, the system shall be  
4 implemented by January 1, 2006. The system shall be maintained  
5 and administered by the secretary of state and contain the name  
6 and registration information of every legally registered voter in  
7 Missouri. In addition, the system shall:

8 (1) Assign a unique identifier to each legally registered  
9 voter in Missouri;

10 (2) Serve as the single system for storing and managing the  
11 official list of registered voters throughout Missouri;

12 (3) Be coordinated with other agency databases in Missouri;

13 (4) Allow any election official in Missouri, including  
14 local election authorities, immediate electronic access to the  
15 information contained in the system;

16 (5) Allow all voter registration information obtained by  
17 any local election official in Missouri to be electronically  
18 entered into the system on an expedited basis at the time the  
19 information is provided to the local official. The secretary of  
20 state, as the chief state election official, shall provide such  
21 support as may be required so that local election officials are  
22 able to enter the registration information; and

23 (6) Serve as the official voter registration list for the  
24 conduct of all elections in Missouri.

25 2. The secretary of state [may adopt rules and regulations

1       necessary to administer the system required in subsection 1 of  
2       this section. The rules and regulations must at least:

3           (1) Provide for voters to submit their registration to  
4       those offices and agencies authorized in this chapter and the  
5       National Voter Registration Act of 1993;

6           (2) Provide for the establishment and maintenance of a  
7       centralized database for all voter registration information;

8           (3) Provide procedures for entering data into the  
9       centralized database;

10          (4) Provide for the interaction with other state agencies  
11       and departments to facilitate voter registration;

12          (5) Allow election authorities and the secretary of state  
13       to add, modify, and delete information from the system to provide  
14       for accurate and up-to-date information;

15          (6) Allow election authorities and the secretary of state  
16       access to the centralized database for review and search  
17       capabilities;

18          (7) Provide security and protection of all information in  
19       the centralized database and monitor the centralized database to  
20       ensure unauthorized entry is not allowed;

21          (8) Provide a system for each election authority to  
22       identify the precinct to which a voter should be assigned for  
23       voting purposes;

24          (9) Provide a procedure for phasing in or converting  
25       existing manual and computerized voter registration systems to

1 the centralized voter registration system; and

2 (10) Provide a procedure for transferring data from  
3 election authorities' existing computerized voter registration  
4 systems located in first class counties to the centralized voter  
5 registration system] and local election authorities shall perform  
6 system maintenance on a regular basis, which shall include:

7 (1) Removing names in accordance with the provisions and  
8 procedures of the National Voter Registration Act of 1993 and  
9 coordinating system maintenance activities with state agency  
10 records on death and felony status;

11 (2) Requiring the name of each registered voter to appear  
12 in the system;

13 (3) Removing only voters who are not registered or who are  
14 not eligible to vote; and

15 (4) Eliminating duplicate names from the system.

16 3. The secretary of state shall [be responsible for the  
17 implementation and maintenance of the centralized voter  
18 registration system] provide adequate technological security  
19 measures to prevent the unauthorized access to the system  
20 established pursuant to this section.

21 4. The secretary of state shall [by rule and regulation  
22 establish an advisory committee to assist in the establishment  
23 and maintenance of a centralized voter registration system]  
24 develop procedures to ensure that voter registration records  
25 within the system are accurate and updated regularly. At a



1 minimum, the procedures shall include:

2 (1) A system of file maintenance that makes a reasonable  
3 effort to remove registrants who are ineligible to vote.  
4 Consistent with the National Voter Registration Act of 1993,  
5 registrants who have not responded to a notice and who have not  
6 voted in two consecutive general elections for federal office  
7 shall be removed from the official list of eligible voters,  
8 except that no registrant may be removed solely by reason of a  
9 failure to vote; and

10 (2) Safeguards to ensure that eligible voters are not  
11 removed in error.

12 5. [Any rule or portion of a rule, as that term is defined  
13 in section 536.010, RSMo, that is created under the authority  
14 delegated in this section shall become effective only if it  
15 complies with and is subject to all of the provisions of chapter  
16 536, RSMo, and, if applicable, section 536.028, RSMo. All  
17 rulemaking authority delegated prior to August 28, 1999, is of no  
18 force and effect and repealed. Nothing in this section shall be  
19 interpreted to repeal or affect the validity of any rule filed or  
20 adopted prior to August 28, 1999, if it fully complied with all  
21 applicable provisions of law. This section and chapter 536,  
22 RSMo, are nonseverable and if any of the powers vested with the  
23 general assembly pursuant to chapter 536, RSMo, to review, to  
24 delay the effective date or to disapprove and annul a rule are  
25 subsequently held unconstitutional, then the grant of rulemaking

1 authority and any rule proposed or adopted after August 28, 1999,  
2 shall be invalid and void.] Voter registration information shall  
3 be verified in accordance with the Help America Vote Act of 2002.

4 (1) Except as provided in subdivision (2) of this  
5 subsection, an application for voter registration may not be  
6 accepted or processed unless the application includes:

7 (a) In the case of an applicant who has been issued a  
8 current and valid driver's license, the applicant's driver's  
9 license number; or

10 (b) In the case of any other applicant, other than an  
11 applicant to whom subdivision (2) applies, the last four digits  
12 of the applicant's Social Security number.

13 (2) If an applicant for voter registration has not been  
14 issued a current and valid driver's license or a Social Security  
15 number, the applicant shall be assigned a number which will serve  
16 to identify the applicant for voter registration purposes. The  
17 number assigned under this subdivision shall be used as the  
18 unique identifying number within the system.

19 (3) The secretary of state and the director of the  
20 department of revenue shall enter into an agreement to match  
21 information in the database of the voter registration system with  
22 information in the database of the motor vehicle system to enable  
23 the secretary to verify the accuracy of information provided on  
24 applications for voter registration.

25 (4) The director of the department of revenue shall enter

1 into an agreement with the commissioner of Social Security and  
2 comply with the Help America Vote Act of 2002.

3 6. In addition to using the system for voter registration,  
4 the election authorities and secretary of state may use the  
5 system for the collection and dissemination of election results  
6 and other pertinent information. Any information contained in  
7 any state or local voter registration system, limited to the  
8 master voter registration list or any other list generated from  
9 the information, subject to chapter 610, RSMo, shall not be used  
10 for commercial purposes; provided, however, that the information  
11 may be used for elections, for candidates, or for ballot  
12 measures, furnished at a reasonable fee. Violation of this  
13 section shall be a class B misdemeanor. For purposes of this  
14 section, "commercial purposes" means the use of a public record  
15 for the purpose of sale or resale or for the purpose of producing  
16 a document containing all or part of the copy, printout, or  
17 photograph for sale or the obtaining of names and addresses from  
18 public records for the purpose of solicitation or the sale of  
19 names and addresses to another for the purpose of solicitation or  
20 for any purpose in which the purchaser can reasonably anticipate  
21 the receipt of monetary gain from the direct or indirect use of  
22 the public record.

23 7. The secretary of state shall establish an advisory  
24 committee to assist in the establishment and maintenance of the  
25 Missouri voter registration system.

1       8. The secretary of state may promulgate rules to execute  
2 this section. No rule or portion of a rule promulgated pursuant  
3 to the authority of this section shall become effective unless it  
4 has been promulgated pursuant to chapter 536, RSMo.

5       9. Election authorities shall forward registration and  
6 other data in a manner prescribed by the secretary of state to  
7 assist with administering and maintaining the Missouri voter  
8 registration system in accordance with the Help America Vote Act  
9 of 2002.

10       115.159. 1. Any person who is qualified to register in  
11 Missouri shall, upon application, be entitled to register by  
12 mail. Upon request, application forms shall be furnished by the  
13 election authority or the secretary of state.

14       2. Notwithstanding any provision of law to the contrary,  
15 the election authority shall not deliver any voter identification  
16 card to any person who registers to vote by mail until after such  
17 person has voted, in person, after presentation of a proper form  
18 of identification, for the first time following registration at  
19 [his] the new polling place designated by the election authority.  
20 An individual who has registered to vote by mail and who desires  
21 to vote in person, but who does not present a proper form of  
22 identification for the first time following registration, may  
23 cast a provisional ballot. Such provisional ballot shall not be  
24 counted pursuant to this chapter, and the individual shall be  
25 notified of the reason for not counting the ballot.

1           3. Notwithstanding any provision of law to the contrary,  
2 the election authority shall not deliver any absentee ballot to  
3 any person who registers to vote by mail until after such person  
4 has:

5           (1) Voted, in person, after presentation of a proper form  
6 of identification set out in section 115.427, for the first time  
7 following registration; or

8           (2) Provided a copy of identification set out in section  
9 115.427 to the election authority.

10 This subsection shall not apply to those persons identified in  
11 section 115.283 who are exempted from obtaining a notary seal or  
12 signature on their absentee ballots. An individual who has  
13 registered to vote by mail but who does not meet the requirements  
14 of this subsection may cast a provisional ballot by mail. Such  
15 ballot shall not be counted pursuant to this chapter, and the  
16 individual shall be notified of the reason for not counting the  
17 ballot.

18           4. Subsections 2 and 3 of this section shall not apply in  
19 the case of a person:

20           (1) Who registers to vote by mail pursuant to section 6 of  
21 the National Voter Registration Act of 1993 and submits as part  
22 of such registration either:

23           (a) A copy of a current and valid photo identification; or

24           (b) A copy of a current utility bill, bank statement,

1 government check, paycheck, or government document that shows the  
2 name and address of the voter;

3 (2) Who registers to vote by mail pursuant to section 6 of  
4 the National Voter Registration Act of 1993 and:

5 (a) Submits with such registration either a driver's  
6 license number, or at least the last four digits of the  
7 individual's Social Security number; and

8 (b) With respect to whom the secretary of state matches the  
9 information submitted pursuant to paragraph (a) of this  
10 subdivision with an existing state identification record bearing  
11 the same number, name, and date of birth as provided in such  
12 registration;

13 (3) Who is:

14 (a) Entitled to vote by absentee ballot pursuant to the  
15 Uniformed and Overseas Citizens Absentee Voting Act;

16 (b) Provided the right to vote otherwise than in person  
17 pursuant to section 3(b)(2)(B)(ii) of the Voting Accessibility  
18 for the Elderly and Handicapped Act; or

19 (c) Entitled to vote otherwise than in person pursuant to  
20 any other federal law.

21 115.165. 1. If the voter files a change of address  
22 application in person at the office of the election authority, at  
23 the polling place, or pursuant to section 115.159, 115.160,  
24 115.162 or 115.193, or otherwise provides signed written notice  
25 of the move, including notice by facsimile transmission, an

1 election authority may change the address on a voter registration  
2 record for a voter who moves within the election authority's  
3 jurisdiction after comparing and verifying the signature. Before  
4 changing the address on a voter record, the election authority  
5 shall be satisfied that the record is that of the person  
6 providing the change of address information.

7 2. A registered voter who has changed his or her residence  
8 within an election authority's jurisdiction and has not been  
9 removed from the list of registered voters pursuant to this  
10 chapter shall be permitted to file a change of address with the  
11 election authority or before an election judge at a polling place  
12 and vote at a central polling place or at the polling place that  
13 serves his or her new address upon written or oral affirmation by  
14 the voter of the new address.

15 3. If the applicant for registration was last registered in  
16 another jurisdiction within this state or another state, the  
17 election authority shall send notice of the registration to the  
18 election authority where the applicant was previously registered.  
19 The election authority sending the notice shall provide  
20 identifying information to assist the election authority  
21 receiving the notice to determine whether the person named was  
22 previously registered in such jurisdiction and whether, based on  
23 the identifying information provided, the application can be  
24 removed from the voting record in the former jurisdiction.

25 4. Upon receipt of a notice from another election authority

1       that a voter has registered in another jurisdiction in this state  
2       or another state, the election authority shall determine whether  
3       sufficient information is provided in the notice to identify the  
4       person named in such notice as previously registered in the  
5       election authority's jurisdiction and presently removable from  
6       the voting records in the election authority's jurisdiction.  
7       Every election authority is authorized to examine the information  
8       provided in a notice of duplicate registration provided by the  
9       [centralized] Missouri voter registration [database] system  
10      authorized pursuant to section 115.158 to determine if a voter in  
11      one election authority's voter registration records has  
12      subsequently registered in another jurisdiction. If, after  
13      reviewing the information provided, the election authority is  
14      satisfied that the person identified in the notice is listed as a  
15      registered voter in the election authority's jurisdiction but has  
16      subsequently registered in another jurisdiction, the election  
17      authority may remove the person's registration from the list of  
18      registered voters.

19           115.275. As used in sections 115.275 to 115.304, unless  
20      the context clearly indicates otherwise, the following terms  
21      shall mean:

22           (1) "Absentee ballot", any of the ballots a person is  
23      authorized to cast away from a polling place pursuant to the  
24      provisions of sections 115.275 to 115.304;

25           (2) "Interstate former resident", a former resident and



1 registered voter in this state who moves from Missouri to another  
2 state after the deadline to register to vote in any presidential  
3 election in the new state and who otherwise possesses the  
4 qualifications to register and vote in such state;

5 (3) "Intrastate new resident", a registered voter of this  
6 state who moves from one election authority's jurisdiction in the  
7 state to another election authority's jurisdiction in the state  
8 after the last day authorized in this chapter to register to vote  
9 in an election and otherwise possesses the qualifications to  
10 vote;

11 (4) "New resident", a person who moves to this state after  
12 the last date authorized in this chapter to register to vote in  
13 any presidential election;

14 (5) "Overseas voter" includes:

15 (a) An absent uniformed services voter who, by reason of  
16 active duty or service is absent from the United States on the  
17 date of the election involved;

18 (b) A person who resides outside the United States and is  
19 qualified to vote in the last place in which the person was  
20 domiciled before leaving the United States; or

21 (c) A person who resides outside the United States and (but  
22 for such residence) would be qualified to vote in the last place  
23 in which the person was domiciled before leaving the United  
24 States;

25 (6) "Persons in federal service" includes:

1           (a) Members of the armed forces of the United States, while  
2 in active service, and their spouses and dependents;

3           (b) Active members of the merchant marine of the United  
4 States and their spouses and dependents;

5           (c) Civilian employees of the United States government  
6 working outside the boundaries of the United States, and their  
7 spouses and dependents;

8           (d) Active members of religious or welfare organizations  
9 assisting servicemen, and their spouses and dependents;

10          (e) Persons who have been honorably discharged from the  
11 armed forces or who have terminated their service or employment  
12 in any group mentioned in this section within sixty days of an  
13 election, and their spouses and dependents.

14          115.277. 1. Except as provided in subsections 3, 4 and 5  
15 of this section, any registered voter of this state may vote by  
16 absentee ballot for all candidates and issues for which such  
17 voter would be eligible to vote at the polling place if such  
18 voter expects to be prevented from going to the polls to vote on  
19 election day due to:

20           (1) Absence on election day from the jurisdiction of the  
21 election authority in which such voter is registered to vote;

22           (2) Incapacity or confinement due to illness or physical  
23 disability, including a person who is primarily responsible for  
24 the physical care of a person who is incapacitated or confined  
25 due to illness or disability;

1           (3) Religious belief or practice;

2           (4) Employment as an election authority, as a member of an  
3 election authority, or by an election authority at a location  
4 other than such voter's polling place;

5           (5) Incarceration, provided all qualifications for voting  
6 are retained.

7           2. Any person in [active duty military] federal service, as  
8 defined in section 115.275, who is eligible to register and vote  
9 in this state but is not registered may vote only in the election  
10 of presidential and vice presidential electors, United States  
11 senator and representative in Congress even [if] though the  
12 person is not registered. Each person in federal service may  
13 vote by absentee ballot or, upon submitting an affidavit that the  
14 person is qualified to vote in the election, may vote at the  
15 person's polling place.

16           3. Any interstate former resident, as defined in section  
17 115.275, may vote by absentee ballot for presidential and vice  
18 presidential electors.

19           4. Any intrastate new resident, as defined in section  
20 115.275, may vote by absentee ballot at the election for  
21 presidential and vice presidential electors, United States  
22 senator, representative in Congress, statewide elected officials  
23 and statewide questions, propositions and amendments from such  
24 resident's new jurisdiction of residence after registering to  
25 vote in such resident's new jurisdiction of residence.

1           5. Any new resident, as defined in section 115.275, may  
2           vote by absentee ballot for presidential and vice presidential  
3           electors after registering to vote in such resident's new  
4           jurisdiction of residence.

5           115.279. 1. Application for an absentee ballot may be made  
6           by the applicant in person, or by mail, or for the applicant, in  
7           person, by his or her guardian or a relative within the second  
8           degree by consanguinity or affinity. The election authority  
9           shall accept applications by facsimile transmission within the  
10          limits of its telecommunications capacity.

11          2. Each application shall be made to the election authority  
12          of the jurisdiction in which the person is or would be  
13          registered. Each application shall be in writing and shall state  
14          the applicant's name, address at which he or she is or would be  
15          registered, his or her reason for voting an absentee ballot and  
16          the address to which the ballot is to be mailed, if mailing is  
17          requested. Each application to vote in a primary election shall  
18          also state which ballot the applicant wishes to receive. If any  
19          application fails to designate a ballot, the election authority  
20          shall, within three working days after receiving the application,  
21          notify the applicant by mail that it will be unable to deliver an  
22          absentee ballot until the applicant designates which political  
23          party ballot he or she wishes to receive. If the applicant does  
24          not respond to the request for political party designation, the  
25          election authority is authorized to provide the voter with that

1 part of the ballot for which no political party designation is  
2 required.

3 3. All applications for absentee ballots received prior to  
4 the sixth Tuesday before an election shall be stored at the  
5 office of the election authority until such time as the  
6 applications are processed in accordance with section 115.281.  
7 No application for an absentee ballot received in the office of  
8 the election authority by mail, by facsimile transmission or by a  
9 guardian or relative after 5:00 p.m. on the Wednesday immediately  
10 prior to the election shall be accepted by any election  
11 authority. No application for an absentee ballot submitted by  
12 the applicant in person after 5:00 p.m. on the day before the  
13 election shall be accepted by any election authority, except as  
14 provided in subsections 6, 8 and 9 of this section.

15 4. Each application for an absentee ballot shall be signed  
16 by the applicant or, if the application is made by a guardian or  
17 relative pursuant to [the provisions of] this section, the  
18 application shall be signed by the guardian or relative, who  
19 shall note on the application his or her relationship to the  
20 applicant. If an applicant, guardian or relative is blind,  
21 unable to read or write the English language or physically  
22 incapable of signing the application, he or she shall sign by  
23 mark, witnessed by the signature of an election official or  
24 person of his or her own choosing. Any person who knowingly  
25 makes, delivers or mails a fraudulent absentee ballot application

1 shall be guilty of a class one election offense.

2 5. (1) Notwithstanding any law to the contrary, any  
3 resident of the state of Missouri who resides outside the  
4 boundaries of the United States or who is on active duty with the  
5 armed forces of the United States or members of their immediate  
6 family living with them may request an absentee ballot for both  
7 the primary and subsequent general election with one application.  
8 In addition, the election authority shall provide to each absent  
9 uniformed services voter and each overseas voter who submits an  
10 absentee ballot request, an absentee ballot through the next two  
11 regularly scheduled general elections for federal office.

12 (2) The election authority shall provide each absent  
13 uniformed services voter and each overseas voter who submits a  
14 voter registration application or an absentee ballot request, if  
15 the election authority rejects the application or request, with  
16 the reasons for the rejection.

17 (3) Notwithstanding any other law to the contrary, if a  
18 standard oath regarding material misstatements of fact is adopted  
19 for uniformed and overseas voters pursuant to the Help America  
20 Vote Act of 2002, the election authority shall accept such oath  
21 for voter registration, absentee ballot, or other  
22 election-related materials.

23 (4) Not later than sixty days after the date of each  
24 regularly scheduled general election for federal office, each  
25 election authority which administered the election shall submit

1 to the secretary of state in a format prescribed by the secretary  
2 a report on the combined number of absentee ballots transmitted  
3 to, and returned by, absent uniformed services voters and  
4 overseas voters for the election. The secretary shall submit to  
5 the Election Assistance Commission a combined report of such  
6 information not later than ninety days after the date of each  
7 regularly scheduled general election for federal office and in a  
8 standardized format developed by the commission pursuant to the  
9 Help America Vote Act of 2002. The secretary shall make the  
10 report available to the general public.

11 (5) As used in this section, the terms "absent uniformed  
12 services voter" and "overseas voter" shall have the meaning  
13 prescribed in 42 U.S.C. 1973ff-6.

14 6. An application for an absentee ballot by a new resident,  
15 as defined in section 115.275, shall be submitted in person by  
16 the applicant in the office of the election authority in the  
17 election jurisdiction in which such applicant resides. The  
18 application shall be received by the election authority no later  
19 than 7:00 p.m. on the day of the election. Such application shall  
20 be in the form of an affidavit, executed in duplicate in the  
21 presence of the election authority or any authorized officer of  
22 the election authority, and in substantially the following form:

23 "STATE OF .....

24 COUNTY OF ....., ss.

25 I, ....., do solemnly

1 swear that:

2 (1) Before becoming a resident of this state, I resided at  
3 ..... (residence address) in .....  
4 (town, township, village or city) of ..... County  
5 in the state of .....;

6 (2) I moved to this state after the last day to register to  
7 vote in such general presidential election and I am now residing  
8 in the county of ....., state of  
9 Missouri;

10 (3) I believe I am entitled pursuant to the laws of this  
11 state to vote in the presidential election to be held November  
12 ....., (year);

13 (4) I hereby make application for a presidential and vice  
14 presidential ballot. I have not voted and shall not vote other  
15 than by this ballot at such election.

16 Signed .....

17 (Applicant)

18 .....

19 (Residence Address)

20 Subscribed and sworn to before me this ..... day of

21 ....., .....

22 Signed .....

23 (Title and name of officer authorized to administer oaths)"

24 7. The election authority in whose office an application is  
25 filed pursuant to subsection 6 of this section shall immediately



1 send a duplicate of such application to the appropriate official  
2 of the state in which the new resident applicant last resided and  
3 shall file the original of such application in its office.

4 8. An application for an absentee ballot by an intrastate  
5 new resident, as defined in section 115.275, shall be made in  
6 person by the applicant in the office of the election authority  
7 in the election jurisdiction in which such applicant resides.  
8 The application shall be received by the election authority no  
9 later than 7:00 p.m. on the day of the election. Such  
10 application shall be in the form of an affidavit, executed in  
11 duplicate in the presence of the election authority or an  
12 authorized officer of the election authority, and in  
13 substantially the following form:

14 "STATE OF .....  
15 COUNTY OF ....., ss.

16 I, ....., do  
17 solemnly swear that:

18 (1) Before becoming a resident of this election  
19 jurisdiction, I resided at ..... (residence  
20 address) in ..... (town, township, village or city)  
21 of ..... county in the state of .....

22 (2) I moved to this election jurisdiction after the last  
23 day to register to vote in such election;

24 (3) I believe I am entitled pursuant to the laws of this  
25 state to vote in the election to be held .....

1 (date);

2 (4) I hereby make application for an absentee ballot for  
3 candidates and issues on which I am entitled to vote pursuant to  
4 the laws of this state. I have not voted and shall not vote  
5 other than by this ballot at such election.

6 Signed .....

7 (Applicant)

8 .....

9 (Residence Address)

10 Subscribed and sworn to before me this ..... day  
11 of ....., .....

12 Signed .....

13 (Title and name of officer authorized to administer oaths)"

14 9. An application for an absentee ballot by an interstate  
15 former resident, as defined in section 115.275, shall be received  
16 in the office of the election authority where the applicant was  
17 formerly registered by 5:00 p.m. on the Wednesday immediately  
18 prior to the election, unless the application is made in person  
19 by the applicant in the office of the election authority, in  
20 which case, such application shall be made no later than 7:00  
21 p.m. on the day of the election.

22 115.283. 1. Each ballot envelope shall bear a statement on  
23 which the voter shall state the voter's name, the voter's voting  
24 address, the voter's mailing address and the voter's reason for  
25 voting an absentee ballot. On the form, the voter shall also

1 state, under penalties of perjury that the voter is qualified to  
2 vote in the election, that the voter has not previously voted and  
3 will not vote again in the election, that the voter has  
4 personally marked the voter's ballot in secret or supervised the  
5 marking of the voter's ballot if the voter is unable to mark it,  
6 that the ballot has been placed in the ballot envelope and sealed  
7 by the voter or under the voter's supervision if the voter is  
8 unable to seal it, and that all information contained in the  
9 statement is true. In addition, any person providing assistance  
10 to the absentee voter shall include a statement on the envelope  
11 identifying the person providing assistance under penalties of  
12 perjury. Persons authorized to vote only for federal and  
13 statewide officers shall also state their former Missouri  
14 residence.

15 2. The statement for persons voting absentee ballots who  
16 are registered voters shall be in substantially the following  
17 form:

18 State of Missouri

19 County (City) of .....

20 I, ..... (print name),  
21 a registered voter of ..... County (City of  
22 St. Louis, Kansas City), declare under the penalties of perjury  
23 that I expect to be prevented from going to the polls on election  
24 day due to (check one):

25 ..... absence on election day from the jurisdiction of the

1 election authority in which I am registered;  
2 ..... incapacity or confinement due to illness or physical  
3 disability, including caring for a person who is  
4 incapacitated or confined due to illness or  
5 disability;  
6 ..... religious belief or practice;  
7 ..... employment as an election authority or by an election  
8 authority at a location other than my polling place;  
9 ..... incarceration, although I have retained all the  
10 necessary qualifications for voting.

11 I hereby state under penalties of perjury that I am qualified to  
12 vote at this election; I have not voted and will not vote other  
13 than by this ballot at this election. I further state that I  
14 marked the enclosed ballot in secret or that I am blind, unable  
15 to read or write English, or physically incapable of marking the  
16 ballot, and the person of my choosing indicated below marked the  
17 ballot at my direction; all of the information on this statement  
18 is, to the best of my knowledge and belief, true.

19	.....	.....
20	Signature of Voter	Signature of Person
21		Assisting Voter
22		(if applicable)
23	.....	Subscribed and sworn to
24	.....	before me this ..... day

1       Address of Voter                               of ....., .....

2       .....

3       .....

4       Mailing addresses                             Signature of notary or

5       (if different)                               other officer authorized

6   to administer oaths

7             3. The statement for persons voting absentee ballots

8       pursuant to the provisions of subsection 2, 3, 4 or 5 of section

9       115.277 without being registered shall be in substantially the

10      following form:

11      State of Missouri

12      County (City) of.....

13      I, ..... (print name), declare under the

14      penalties of perjury that I am a citizen of the United States and

15      eighteen years of age or older. I am not adjudged incapacitated

16      by any court of law, and if I have been convicted of a felony or

17      of a misdemeanor connected with the right of suffrage, I have had

18      the voting disabilities resulting from such conviction removed

19      pursuant to law. I hereby state under penalties of perjury that

20      I am qualified to vote at this election.

21            (1) I am a resident of the state of Missouri and (check

22      one):

23      ..... am a member of the U.S. armed forces in active service;

24      ..... am an active member of the U.S. merchant marine;

25      ..... am a civilian employee of the U.S. government working

1           outside the United States;  
2       ..... am an active member of a religious or welfare  
3           organization assisting servicemen;  
4       ..... have been honorably discharged or terminated my service  
5           in one of the groups mentioned above within sixty days  
6           of this election;  
7       ..... am a spouse or dependent of one of the above;  
8       ..... am a registered voter in ..... County and moved  
9           from that county to ..... County, Missouri,  
10          after the last day to register to vote in this election.

11   OR (check if applicable)

12       (2) ..... I am an interstate former  
13   resident of Missouri and authorized to vote for presidential and  
14   vice presidential electors. I further state under penalties of  
15   perjury that I have not voted and will not vote other than by  
16   this ballot at this election; I marked the enclosed ballot in  
17   secret or am blind, unable to read or write English, or  
18   physically incapable of marking the ballot, and the person of my  
19   choosing indicated below marked the ballot at my direction; all  
20   of the information on this statement is, to the best of my  
21   knowledge and belief, true.

22       .....	Subscribed to and sworn
23       Signature of Voter	before me this ..... day
24	of ....., .....

1	.....	
2	.....	.....
3	Address of Voter	Signature of notary or
4		other officer authorized
5		to administer oaths
6	.....	
7	.....	
8	Mailing Address	
9	(if different)	.....
10	.....	.....
11	Signature of Person	Address of Last Missouri
12	Assisting Voter	Residence (if applicable)

13        4. The statement for persons voting absentee ballots who  
14 are entitled to vote at the election pursuant to the provisions  
15 of subsection 2 of section 115.137 shall be in substantially the  
16 following form:

17        State of Missouri  
18        County (City) of .....

19        I, ..... (print name), declare  
20 under the penalties of perjury that I expect to be prevented from  
21 going to the polls on election day due to (check one):

22        ..... absence on election day from the jurisdiction of the  
23                election authority in which I am directed to vote;  
24        ..... incapacity or confinement due to illness or physical  
25                disability, including caring for a person who is

1                   incapacitated or confined due to illness or disability;  
2           ..... religious belief or practice;  
3           ..... employment as an election authority or by an election  
4                   authority at a location other than my polling place;  
5           ..... incarceration, although I have retained all the  
6                   necessary qualifications of voting.

7       I hereby state under penalties of perjury that I own property in  
8       the ..... district and am qualified to vote at  
9       this election; I have not voted and will not vote other than by  
10      this ballot at this election. I further state that I marked the  
11      enclosed ballot in secret or that I am blind, unable to read and  
12      write English, or physically incapable of marking the ballot, and  
13      the person of my choosing indicated below marked the ballot at my  
14      direction; all of the information on this statement is, to the  
15      best of my knowledge and belief, true.

16                   .....	Subscribed and sworn to
17       Signature of Voter	before me this .....
18	day of ....., .....
19                   .....	
20                   .....	.....
21       Address	Signature of notary or
22	other officer authorized
23	to administer oaths
24                   .....	



1       Signature of Person

2       Assisting Voter

3       (if applicable)

4             5. The statement for persons providing assistance to  
5 absentee voters shall be in substantially the following form:

6       The voter needed assistance in marking the ballot and signing  
7 above, because of blindness, other physical disability, or  
8 inability to read or to read English. I marked the ballot  
9 enclosed in this envelope at the voter's direction, when I was  
10 alone with the voter, and I had no other communication with the  
11 voter as to how he or she was to vote. The voter swore or  
12 affirmed the voter affidavit above and I then signed the voter's  
13 name and completed the other voter information above. Signed  
14 under the penalties of perjury.

15       Reason why voter needed assistance: .....

16       ASSISTING PERSON SIGN HERE

17       1. .... (signature of assisting person)

18       2. .... (assisting person's name printed)

19       3. .... (assisting person's residence)

20       4. .... (assisting person's home city or town).

21             6. Notwithstanding any other provision of this section, any  
22 resident of the state of Missouri who resides outside the  
23 boundaries of the United States or who is on active duty with the  
24 armed forces of the United States or members of their immediate

1 family living with them or persons who have declared themselves  
2 to be permanently disabled pursuant to section 115.284, otherwise  
3 entitled to vote, shall not be required to obtain a notary seal  
4 or signature on his or her absentee ballot.

5 7. Notwithstanding any other provision of this section or  
6 section 115.291 to the contrary, the subscription, signature and  
7 seal of a notary or other officer authorized to administer oaths  
8 shall not be required on any ballot, ballot envelope, or  
9 statement required by this section if the reason for the voter  
10 voting absentee is due to the reasons established pursuant to  
11 subdivision (2) of subsection 1 of section 115.277.

12 8. No notary shall charge or collect a fee for notarizing  
13 the signature on any absentee ballot or absentee voter  
14 registration.

15 9. A notary public who charges more than the maximum fee  
16 specified or who charges or collects a fee for notarizing the  
17 signature on any absentee ballot or absentee voter registration  
18 is guilty of official misconduct.

19 115.284. 1. There is hereby established an absentee voting  
20 process to assist persons with permanent disabilities in the  
21 exercise of their voting rights.

22 2. The local election authority shall send an application  
23 to participate in the absentee voting process set out in this  
24 section to any registered voter residing within the election  
25 authority's jurisdiction upon request.

1           3. Upon receipt of a properly completed application, the  
2 election authority shall enter the voter's name on a list of  
3 voters qualified to participate as absentee voters pursuant to  
4 this section.

5           4. The application to participate in the absentee voting  
6 process shall be in substantially the following form:

7       State of .....

8       County (City) of .....

9       I,..... (print applicant's  
10 name), declare that I am a resident and registered voter of  
11 ..... County, Missouri, and am  
12 permanently disabled. I hereby request that my name be placed on  
13 the election authority's list of voters qualified to participate  
14 as absentee voters pursuant to section 115.284, and that I be  
15 delivered an absentee ballot application for each election in  
16 which I am eligible to vote.

17       .....

18       Signature of Voter

19       .....

20       .....

21       Voter's Address

22           5. Not earlier than [six] ten weeks before an election but  
23 prior to the fourth Tuesday prior to an election, the election  
24 authority shall deliver to each voter qualified to participate as  
25 absentee voters pursuant to this section an absentee ballot

1 application if the voter is eligible to vote in that election.

2 If the voter returns the absentee request application to the  
3 election authority not later than 5:00 p.m. on the Wednesday  
4 before an election and has retained the necessary qualifications  
5 to vote, the election authority shall provide the voter with an  
6 absentee ballot pursuant to this chapter.

7 6. The election authority shall remove from the list of  
8 voters qualified to participate as absentee voters pursuant to  
9 this section any voter who:

10 (1) Asks to be removed from the list;

11 (2) Dies;

12 (3) Becomes disqualified from voting pursuant to [the  
13 provisions of] chapter 115; or

14 (4) No longer resides at the address of his or her voter  
15 registration.

16 115.287. 1. Upon receipt of a signed application for an  
17 absentee ballot and if satisfied the applicant is entitled to  
18 vote by absentee ballot, the election authority shall, within  
19 three working days after receiving the application, or if  
20 absentee ballots are not available at the time the application is  
21 received, within five working days after they become available,  
22 deliver to the voter an absentee ballot, ballot envelope and such  
23 instructions as are necessary for the applicant to vote.  
24 Delivery shall be made to the voter personally in the office of  
25 the election authority or by bipartisan teams appointed by the

1 election authority, or by first class, registered, or certified  
2 mail at the discretion of the election authority. Where the  
3 election authority is a county clerk, the members of bipartisan  
4 teams representing the political party other than that of county  
5 clerk shall be selected from a list of persons submitted to the  
6 county clerk by the county chairman of that party. If no list is  
7 provided by the time that absentee ballots are to be made  
8 available, the county clerk may select a person or persons from  
9 lists provided in accordance with section 115.087. If the  
10 election authority is not satisfied that any applicant is  
11 entitled to vote by absentee ballot, it shall not deliver an  
12 absentee ballot to the applicant. Within three working days of  
13 receiving such an application, the election authority shall  
14 notify the applicant and state the reason he or she is not  
15 entitled to vote by absentee ballot. The applicant may appeal  
16 the decision of the election authority to the circuit court in  
17 the manner provided in section 115.223.

18 2. If, after 5:00 p.m. on the Wednesday before an election,  
19 any voter from the jurisdiction has become hospitalized [in the  
20 county in which the jurisdiction is located or in any county or  
21 in the jurisdiction of an adjoining election authority within the  
22 same county after 5:00 p.m. on the Wednesday before an election,  
23 if any voter from the jurisdiction has become], becomes confined  
24 due to illness or injury [after 5:00 p.m. on the Wednesday  
25 before an election or if any voter from the jurisdiction], or is

1 confined in an adult boarding facility, intermediate care  
2 facility, residential care facility, or skilled nursing facility,  
3 as defined in section 198.006, RSMo, in the county in which the  
4 jurisdiction is located or in the jurisdiction or an adjacent  
5 election authority within the same county, the election authority  
6 shall appoint a team to deliver, witness the signing of and  
7 return the voter's application and deliver, witness the voting of  
8 and return the voter's absentee ballot[; except that, the  
9 election authority may allow a relative within the first degree  
10 of consanguinity or affinity to perform the same duties as a team  
11 for such confined voter]. In counties [of the first class] with  
12 a charter form of government and in cities not within a county,  
13 and in each city which has over three hundred thousand  
14 inhabitants, and is situated in more than one county, if the  
15 election authority receives ten or more applications for absentee  
16 ballots from the same address it may appoint a team to deliver  
17 and witness the voting and return of absentee ballots by voters  
18 residing at that address, except when such addresses are for an  
19 apartment building or other structure wherein individual living  
20 units are located, each of which has its own separate cooking  
21 facilities. Each team appointed [under the provisions of]  
22 pursuant to this subsection shall consist of two registered  
23 voters, one from each major political party. Both members of any  
24 team appointed pursuant to this subsection shall be present  
25 during the delivery, signing or voting and return of any

1 application or absentee ballot signed or voted pursuant to this  
2 subsection.

3 3. On the mailing and ballot envelopes for each applicant  
4 in federal service, the election authority shall stamp  
5 prominently in [red] black the words "FEDERAL BALLOT, STATE OF  
6 MISSOURI" and "U.S. Postage Paid, [42 U.S.C., 1973 DD] 39 U.S.C.  
7 3406".

8 4. No information which encourages a vote for or against a  
9 candidate or issue shall be provided to any voter with an  
10 absentee ballot.

11 115.292. 1. Notwithstanding any other provision of this  
12 chapter, a qualified absentee voter, as described in subsection 3  
13 of this section, may apply for a special write-in absentee ballot  
14 within eighty days of a special, primary, or general election for  
15 [a special write-in absentee ballot] federal office. Such a  
16 ballot shall be for voting for all offices being contested at  
17 such election.

18 2. A qualified absentee voter applying for a special  
19 write-in absentee ballot pursuant to this section shall apply to  
20 the local election authority of the area which contains his last  
21 residence in this state for such ballot. The application for a  
22 special write-in absentee ballot may be made on the federal  
23 postcard application form, by letter, or on a form provided by  
24 the local election authority.

25 3. In order to qualify for a special write-in absentee

1 ballot, the voter shall state that he is unable to vote by any  
2 other means due to requirements of military service or due to  
3 living in isolated or extremely remote areas of the world. This  
4 statement may be made by federal postcard application, by letter,  
5 or on a form prepared by the local election authority.

6 4. Upon receipt of the application, the election authority  
7 shall issue a special write-in absentee ballot. Such ballot  
8 shall permit the voter to cast a ballot by writing in a party  
9 preference for each office, the names of specific candidates, or  
10 the names of persons whom the voter prefers.

11 5. The election authority shall issue a regular absentee  
12 ballot as soon as such ballots are available. If both the  
13 regular absentee ballot and the special write-in absentee ballot  
14 are returned, the regular absentee ballot shall be counted and  
15 the special write-in absentee ballot shall be voided.

16 115.417. 1. Before the time fixed by law for the opening  
17 of the polls, the election authority shall deliver to each  
18 polling place a sufficient number of voter instruction cards  
19 which include the following information:

20 (1) If paper ballots or an electronic voting system is  
21 used, the instructions shall inform the voter on how to obtain a  
22 ballot for voting, how to vote and prepare the ballot for deposit  
23 in the ballot box and how to obtain a new ballot to replace one  
24 accidentally spoiled;

25 (2) If voting machines are used, the instructions shall



1 inform the voter how to operate the machine in such a manner that  
2 the voter may vote as the voter wishes.

3 2. The election authority at each polling place shall post  
4 in a conspicuous place voting instructions on a poster no smaller  
5 than twenty- four inches by thirty inches. Such instructions  
6 shall also inform the voter that the voting equipment can be  
7 demonstrated upon request of the voter. The election authority  
8 shall also publicly post on election day a sample version of the  
9 ballot that will be used for that election, the date of the  
10 election, the hours during which the polling place will be open,  
11 instructions for mail-in registrants and first-time voters,  
12 general information on voting rights, general information on the  
13 right to cast a provisional ballot and instructions for  
14 provisional ballots, how to contact appropriate authorities if  
15 voting rights have been violated, and general information on  
16 federal and Missouri law regarding prohibitions on acts of fraud  
17 and misrepresentation. The secretary of state may promulgate  
18 rules to execute this section. No rule or portion of a rule  
19 promulgated pursuant to the authority of this section shall  
20 become effective unless it has been promulgated pursuant to  
21 chapter 536, RSMo.

22 3. If marking devices or voting machines are used, the  
23 election authority shall also provide to each polling place a  
24 model of a marking device or portion of the face of a voting  
25 machine. If requested to do so by a voter, the election judges

1 shall give instructions on operation of the marking device or  
2 voting machine by use of the model.

3 4. The secretary of state may develop multilingual voting  
4 instructions to be made available to election authorities.

5 115.430. 1. [The provisions of] This section shall apply  
6 to primary and general elections where candidates for federal or  
7 statewide offices are nominated or elected and any election where  
8 statewide issue or issues are submitted to the voters.

9 2. A voter claiming to be properly registered in the  
10 jurisdiction of the election authority and eligible to vote in an  
11 election, but whose eligibility cannot be immediately established  
12 upon examination of the precinct register or upon examination of  
13 the records on file with the election authority, shall be  
14 entitled to vote a provisional ballot after providing a form of  
15 personal identification required pursuant to section 115.427.

16 The provisional ballot contained in this section shall contain  
17 the statewide candidates and issues, and federal candidates. The  
18 congressional district on the provisional ballot shall be for the  
19 address contained on the affidavit provided for in this section.

20 If the voter declares that the voter is eligible to vote and the  
21 election authority determines that the voter is eligible to vote  
22 at another polling place, the voter shall be directed to the  
23 correct polling place. If the voter refuses to go to the correct  
24 polling place, the voter shall be permitted to vote a provisional  
25 ballot at the incorrect polling place, but such ballot shall not

1     be counted.

2             3. Once voted, the provisional ballot shall be placed and  
3     sealed in a provisional ballot envelope. The provisional ballot  
4     in its envelope shall be deposited in the ballot box. The  
5     provisional ballot envelope shall be completed by the voter for  
6     use in determining eligibility. The provisional ballot envelope  
7     specified in this section shall contain a voter's certificate  
8     which shall be in substantially the following form:

9     STATE OF .....

10    COUNTY OF .....

11            I do solemnly swear (or affirm) that my name is  
12    .....; that my date of birth is .....; that  
13    the last four digits of my Social Security Number are  
14    .....; that I am registered to vote in  
15    ..... County or City (if a City not within a County),  
16    Missouri; that I am a qualified voter of said County (or City not  
17    within a County); that I am eligible to vote at this polling  
18    place; and that I have not voted in this election.

19            I understand that if the above-provided information is not  
20    correct and the election authority determines that I am not  
21    registered and eligible to vote, my vote will not be counted. I  
22    further understand that knowingly providing false information is  
23    a violation of law and subjects me to possible criminal  
24    prosecution.

25    .....

1 (Signature of Voter)

2 .....

3 (Current Address)

4 Subscribed and affirmed before me this ..... day of

5 ....., 20.....

6 .....

7 (Signature of Election Official)

8 The voter may provide additional information to further assist  
9 the election authority in determining eligibility, including the  
10 place and date the voter registered to vote, if known.

11 4. Prior to certification of the election, the election  
12 authority shall determine if the voter is registered and entitled  
13 to vote and if the vote was properly cast. The provisional  
14 ballot shall be counted only if the election authority determines  
15 that the voter is registered and entitled to vote. Provisional  
16 ballots voted in the wrong polling place shall not be counted.

17 If the voter is not registered but is qualified to register for  
18 future elections, the affidavit shall be considered a mail  
19 application to register to vote [under the provisions of]  
20 pursuant to this chapter.

21 5. In counties where the voting system does not utilize a  
22 paper ballot, the election authority shall provide the  
23 appropriate provisional ballots to each polling place.

24 6. The secretary of state may promulgate rules for purposes

1 of ensuring the uniform application of this section. No rule or  
2 portion of a rule promulgated pursuant to the authority of this  
3 section shall become effective unless it has been promulgated  
4 pursuant to chapter 536, RSMo.

5 7. [Any rule or portion of a rule, as that term is defined  
6 in section 536.010, RSMo, that is created under the authority  
7 delegated in this section shall become effective only if it  
8 complies with and is subject to all of the provisions of chapter  
9 536, RSMo, and, if applicable, section 536.028, RSMo. This  
10 section and chapter 536, RSMo, are nonseverable and if any of the  
11 powers vested with the general assembly pursuant to chapter 536,  
12 RSMo, to review, to delay the effective date or to disapprove and  
13 annul a rule are subsequently held unconstitutional, then the  
14 grant of rulemaking authority and any rule proposed or adopted  
15 after August 28, 2002, shall be invalid and void.

16 8.] The secretary of state shall design and provide to the  
17 election authorities the envelopes and forms necessary to carry  
18 out the provisions of this section.

19 8. Pursuant to the Help America Vote Act of 2002, the  
20 secretary of state shall ensure a free access system is  
21 established, such as a toll-free number or an Internet web site,  
22 that any individual who casts a provisional ballot may access to  
23 discover whether the vote of that individual was counted, and, if  
24 the vote was not counted, the reason that the vote was not  
25 counted. At the time an individual casts a provisional ballot,

1 the election authority shall give the voter written information  
2 that states that any individual who casts a provisional ballot  
3 will be able to ascertain under such free access system whether  
4 the vote was counted, and if the vote was not counted, the reason  
5 that the vote was not counted.

6 9. In accordance with the Help America Vote Act of 2002,  
7 any individual who votes in an election as a result of a court  
8 order or any other order extending the time established for  
9 closing the polls in section 115.407, may vote only by using a  
10 provisional ballot, and such provisional ballot shall be  
11 separated and held apart from other provisional ballots cast by  
12 those not affected by the order.

13 115.761. 1. The official list of presidential candidates  
14 for each established political party shall include the names of  
15 all constitutionally qualified candidates for whom, on or after  
16 8:00 a.m. on the fifteenth Tuesday prior to the presidential  
17 primary, and on or before 5:00 p.m., on the eleventh Tuesday  
18 prior to the presidential primary, a written request to be  
19 included on the presidential primary ballot is filed with the  
20 secretary of state along with:

21 (1) Receipt of payment to the state committee of the  
22 established political party on whose ballot the candidate wishes  
23 to appear of a filing fee of one thousand dollars; or

24 (2) A written statement, sworn to before an officer  
25 authorized by law to administer oaths, that the candidate is

1       unable to pay the filing fee and does not have funds in a  
2       campaign fund or committee to pay the filing fee and a petition  
3       signed by not less than five thousand registered Missouri voters,  
4       as determined by the secretary of state, that the candidate's  
5       name be placed on the ballot of the specified established  
6       political party for the presidential preference primary. The  
7       request to be included on the presidential primary ballot shall  
8       include each signer's printed name, registered address and  
9       signature and shall be in substantially the following form:

10           I (We) the undersigned, do hereby request that the name of  
11       ..... be placed upon the [March] February  
12       ....., ....., presidential primary ballot as candidate for  
13       nomination as the nominee for President of the United States on  
14       the ..... party ticket.

15           2. The state or national party organization of an  
16       established political party that adopts rules imposing signature  
17       requirements to be met before a candidate can be listed as an  
18       official candidate shall notify the secretary of state by October  
19       first of the year preceding the presidential primary.

20           3. Any candidate or such candidate's authorized  
21       representative may have such candidate's name stricken from the  
22       presidential primary ballot by filing with the secretary of state  
23       on or before 5:00 p.m. on the eleventh Tuesday prior to the  
24       presidential primary election a written statement, sworn to  
25       before an officer authorized by law to administer oaths,

1 requesting that such candidate's name not be printed on the  
2 official primary ballot. Thereafter, the secretary of state  
3 shall not include the name of that candidate in the official list  
4 announced pursuant to section 115.758 or in the certified list of  
5 candidates transmitted pursuant to section 115.765.

6 4. The filing times set out in this section shall only  
7 apply to presidential preference primaries, and are in lieu of  
8 those established in section 115.349.

9 115.801. 1. Subject to appropriation from federal funds,  
10 the secretary of state shall administer a grant, loan, or other  
11 aid program [annually] for the purpose of involving youth in  
12 youth voting programs. The secretary of state may promulgate  
13 rules to effectuate the provisions of this subsection.

14 2. The secretary of state shall administer a grant, loan,  
15 or other aid program for the purpose of allowing election  
16 authorities to receive grants from the federal government for the  
17 purpose of improving the election process in federal elections.  
18 The secretary of state may promulgate rules to effectuate the  
19 provisions of this subsection.

20 3. Any rule or portion of a rule, as that term is defined  
21 in section 536.010, RSMo, that is created under the authority  
22 delegated in this section shall become effective only if it  
23 complies with and is subject to all of the provisions of chapter  
24 536, RSMo, and, if applicable, section 536.028, RSMo. This  
25 subsection and chapter 536, RSMo, are nonseverable and if any of



1 the powers vested with the general assembly pursuant to chapter  
2 536, RSMo, to review, to delay the effective date or to  
3 disapprove and annul a rule are subsequently held  
4 unconstitutional, then the grant of rulemaking authority and any  
5 rule proposed or adopted after August 28, 2002, shall be invalid  
6 and void.

7 116.025. The secretary of state within twenty days of  
8 receiving a statewide ballot measure shall prepare and transmit  
9 to the attorney general fair ballot language statements that  
10 fairly and accurately explain what a vote for and what a vote  
11 against the measure represent. Each statement shall not exceed  
12 twenty-five words and shall be posted in each polling place next  
13 to the sample ballot. Such fair ballot language statements shall  
14 be true and impartial statements of the effect of a vote for and  
15 against the measure in language neither intentionally  
16 argumentative nor likely to create prejudice for or against the  
17 proposed measure. In addition, such fair ballot language shall  
18 include a statement as to whether the measure will increase,  
19 decrease, or have no impact on taxes, including the specific  
20 category of tax. Such fair ballot language statements may be  
21 challenged in accordance with section 116.190. The attorney  
22 general shall within ten days approve the legal content and form  
23 of the proposed statements.